

IN SENATE OF THE UNITED STATES.

APRIL 10, 1848.

Submitted, and ordered to be printed.

Mr. Downs made the following

REPORT:

[To accompany bill H. R. No. 119.]

The Committee on Private Land Claims, to whom has been referred the act which passed the House of Representatives, on the third instant, for the relief of Anthony Bessée, have had the subject under consideration, and report:

That the petition of Bessée represents that he was duly confirmed in his claim for 640 acres, in the parish of East Baton Rouge, Louisiana, in virtue of inhabitation and cultivation; that the land covered by his location is taken by other rights: and the claimant asks for the same quantity elsewhere, in Louisiana. The petition is accompanied by a certificate, dated January 15, 1845, from the surveyor general, in support of his averment, as to the disposal of his original tract to others.

Under these circumstances, the committee are of opinion that the claimant is entitled to another tract in lieu of his old original settlement. (See commissioner's letter annexed to and made a part of this report.) They find, however, that the claim is referred to in the petition, as being confirmed by Rannells and Kinchin, and in the certificate accompanying the petition, is alluded to as being "the claim of Anthony Bessy, report C, No. 264, Rannells and Kinchin, new series."

These references are presumed to relate to a certificate which may have been issued by those officers as an evidence of *pre-existing* confirmation, as the committee find an "inhabitation and cultivation claim" in *East Baton Rouge*, in Cosly and Skipworth's report of 24th of July, 1821, State Papers, volume 3, page 448, which has been confirmed to said Bessy in virtue of the act of 8th May, 1822, and of the act of August 6th, 1846—U. S. Statutes at Large, vol. 3, page 707, chap. 128; pamphlet acts, 1846, page 100.

The petition and certificate have led to a description of the claim in the act which has passed the House, which might embarrass its execution; and to avoid this, and facilitate the matter, the committee report an amendment to the act, and recommend its passage accordingly.

GENERAL LAND OFFICE,
March 22, 1848.

SIR: I have the honor to return herewith, the following papers which you referred to this office for examination, and report, viz:

1. The petition of Anthony Bessée, of the parish of East Baton Rouge, Louisiana.

2. House of Representatives report, number 128, on 25th January, 1848, in the case of Bessée.

3. An act which passed the House of Representatives, 3d March, 1848, "for the relief of Anthony Bessée."

The petition represents that Anthony Bessée was confirmed by the commissioners of St. Helena district, on the 27th of October, 1824, in his claim for 640 acres, "situated in the parish of East Baton Rouge, claimed by inhabitation and cultivation;" refers as evidence of it, to "Report C., Rannell's & Kinchen's land office, St. Helena, certificate No. 264, new series," represents "that this claim was located and surveyed as follows: to begin on the line of R. D. Richardson, and between this line and the Cypress Bayou, to run such course and distance as will enclose" 640 acres, "by not interfering with any other claim." That the said tract "is now in the possession of other claimants holding under the laws of the United States, confirming them in their title, and particularly, in the possession of L. B. Kleinpeter," and refers to the certificate of the surveyor general, accompanying the petition.

That certificate, which is dated January 15, 1845, states that the "claim of Anthony Bessy, (report C., No. 264, Rannell's & Kinchin's, new series,) cannot be located in conformity with the order of survey, without conflicting with other claims of superior titles, being perfect grants by former governments, located correctly in township five south, range one west, of the Greensburg district.

The House act (paper third) refers to the claim as being reported by Rannells & Kinchen, January 19, 1825, and confirmed by the act of May 4th, 1826.

This reference in the act and House report was, of course, made upon the statements in the petition and surveyor general's certificate of January 15, 1845, accompanying it, which were designed, it is presumed, to allude to a certificate, (No. 264) which may have been issued by Rannells & Kinchin, as an evidence of a *pre-existing* confirmation, because there is no claim in the name of Antoine Bessy, in Rannell's & Kinchin's *Register C.*, dated January 19, 1825. [State Papers, vol. 4, p. 313.]

There is a claim in their *Register B.*, No. 2, of January 19, 1825, [State Papers, vol. 4, p. 312,] which was confirmed by the act of May 4, 1826; but that claim, founded on *written* title, &c., is under James Tesett, for land in *East Feliciana*. And in their *Register D.*, of claims *unfavorably* reported on, there is also one (No. 14) in the name of Antoine Bessy, under John Pouret, for 400 arpens, East Baton Rouge—but it is not confirmed. The claim, on account of which relief is now asked for in the petition, is designated in that petition as being situated in the parish of *East Baton*

Rouge, and as founded on "inhabitation and cultivation," and is presumed to be *that* entered in Cosby and Skipworth's report, of July 24, 1821, [State Papers, vol. 3, p. 448,] as a settlement claim, and confirmed to the extent of 640 acres, in virtue of the 3d section of the act of May 8, 1822, (Clarke's Comp., L. L. p. 823,) and of the act of August 6, 1846, (acts of 1846, p. 100.)

In order therefore to avoid any difficulty which might arise, in consequence of the aforesaid reference in the House act, (paper third,) I beg leave to submit a suggested amendment, in paper A., herewith, which will afford relief asked for, if matured into a law.

In relation to your oral enquiry, as to whether there are precedents for legislating in the way of granting the privilege to locate other than the original tracts, where such original tracts had been disposed of, I have the honor to answer in the affirmative.

Among such precedents, you will find on reference to the act of Congress, approved July 6th, 1842, entitled "An act confirming certain land claims in Louisiana," that the 6th section of it, confirmed *settlement* claims, No. 7 and 8, in the Greensburg district, Louisiana; and the same section of the said act, gave "the right to the claimants to locate the same, within one year after the passage of this act, on any public lands subject to sale at private entry, in the district where said claims are situated."

In the case of the Missouri *settlement* claim of William Moss, entered in Recorder Bate's report, of February 12, 1816, in which "640 acres are granted, saving rights of others, particularly Benjamin Johnston, [State Papers, vol. 3, p. 307,] which was confirmed by the act of April 29, 1816, [Clarke's Comp., Land Laws, p. 699,] it will be seen on reference to the acts of 1846, page 126, chapter 125, that Congress, by an act for Moss' relief, authorized and required the commissioner to issue a warrant "in favor of William Moss, for 640 acres of land, to be located upon any unlocated land belonging to the United States, and now subject to entry."

In more recent legislation, in the case of De la Houssaye, whose claim "upon each side of the Bayou Cailloux," in Louisiana, had been confirmed by the act of March 2, 1827, entitled "An act for the relief of the heirs and legal representatives of Louis de la Houssaye, deceased," it will be found that by the act of *March 2*, 1847, for the relief of those parties, [acts of 1847, p. 66, chap. 46,] they are authorized to locate the area of their claim, (which is equal to 5,573.52 acres,) "upon any vacant public land in the Opelousas land district, in Louisiana," but not "in less quantities than a quarter of a section."

With great respect, your obedient servant,
 RICHARD M. YOUNG,
Commissioner.

Hon. S. W. Downs,
United States Senate.

